



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

HD:hd  
Docket No: 04846-99  
6 September 2000

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: LCDR [REDACTED], USN, [REDACTED],  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 25 Jul 99 w/attachments  
(2) PERS-85 memo dtd 14 Jan 00  
(3) Subject ltr dtd 7 Aug 00  
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting that his naval record be corrected as follows: "O-4 paygrade [sic] promotion reflect SPOT promotion date of 18 Sep 97 [sic]."

2. The Board, consisting of Messrs. Ensley, Schultz and Swarens, reviewed Petitioner's allegations of error and injustice on 24 August 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the Navy Personnel Command (NPC) office with cognizance over the subject matter of this case has commented to the effect that Petitioner's request has merit and warrants partially favorable action. They recommend that his temporary date of rank and pay to lieutenant commander be backdated to 2 March 1998, commensurate with Senate confirmation of the Fiscal Year 97 Fourth Quarter SPOT Promotion Selection Board.

c. Petitioner's letter at enclosure (3) stated "Based on [enclosure (2)], I feel assured that my case is ready for review by the Board."

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting partial relief, specifically, correction of Petitioner's record to reflect he received a SPOT promotion to lieutenant commander effective 2 March 1998. They find no basis for awarding Petitioner the 18 September 1997 date he requested. In view of the above, the Board directs the following limited corrective action:

RECOMMENDATION:

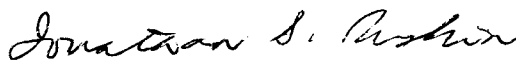
a. That Petitioner's naval record be corrected, where appropriate, to show he received a SPOT promotion to lieutenant commander on 2 March 1998, with a date of rank and effective date of 2 March 1998.

b. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for such purpose.


c. That Petitioner's request to show he received a SPOT promotion to lieutenant commander effective 18 September 1997 be denied.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
JONATHAN S. RUSKIN  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
for W. DEAN PFEIFFER  
Executive Director



**DEPARTMENT OF THE NAVY**

**NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000**

4246-99  
5420  
85/0104  
14 Jan 00

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: LCDR [REDACTED] USN, [REDACTED]

Ref: (a) PERS-85 memo 5420 ser 85/250 of 2 Nov 99  
(b) SECNAVINST 1421.3H

Encl: (1) BCNR File

1. Enclosure (1) is returned, superseding reference (a). Recommend correcting [REDACTED]'s record to reflect a Spot date of rank and effective date of pay to LCDR of 2 March 1998, commensurate with that of his peers, resulting from Senate confirmation of the 18 September 1997 Spot Promotion Selection Board.

2. LCDR [REDACTED] was selected by the FY-97 4<sup>th</sup> Quarter Spot Promotion Selection Board. His Presidential nomination to the Senate was deferred due to review of adverse information of selectee. His deferral was subsequently cleared and Spot nomination ultimately confirmed by the Senate on 26 May 1999.

3. LCDR [REDACTED] current permanent date of rank is 1 May 1998, resulting from his selection by the FY-98 Active Line Promotion Selection Board.

4. For clarification purposes, the 18 September 1997, date of rank recommendation provided in reference (a), was submitted in error. The actual date of the board was 18 September 1997. In accordance with reference (b), officers selected for Spot promotion will be appointed in the temporary grade of LCDR effective on the date they report to a qualifying billet or the date of Senate confirmation of the appointment, whichever is later. In [REDACTED]'s case, he was currently serving in his Spot billet at the time of confirmation.

[REDACTED]  
[REDACTED]  
[REDACTED]  
BCNR Liaison, Officer Promotions and  
Enlisted Advancements Division

4846-99

Docket No: 04849099

07 August 2000

Head, Performance Section  
Department of the Navy  
Board of Correction of Naval Records  
2 Navy Annex  
Washington DC 20370-5100

[REDACTED]

Pursuant to your letter of 28 January 2000, Docket No: 04846-99, I do not request an extension of time. Based on PERS-85 memo, dated 14 January 2000, I feel assured that my case is ready for review by the Board.

Sincerely,

[REDACTED]

le Mine Assembly Group

[REDACTED] Navy  
[REDACTED]  
[REDACTED]